## BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

DRAFT MINUTES
Regular Meeting
February 15, 2011

<u>Call to Order</u>. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:04 p.m., Tuesday, February 15, 2011, in the Board Chambers, Stafford County Administration Center.

<u>Roll Call</u> The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Charles Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff and interested parties.

<u>Presentation of a Proclamation to Dr. Jane Ingalls</u> Mr. Dudenhefer presented the proclamation. Dr. Ingalls thanked the Board, saying that she does not deserve the honor but is very appreciative of it. Dr. Ingalls mentioned the March of Dimes, March for Babies, scheduled for Pratt Park on May 7, 2011. At Mr. Dudenhefer's request, information on the March for Babies will be posted on the County's web page.

<u>Presentation of a Proclamation to William Botts III, Esq.</u> Mr. Dudenhefer presented the proclamation. Mr. Botts thanked the Board and said that he knows better than most how

hard Board members work, he thinks that the general public does not recognize and appreciate them. Mr. Botts also thanked the Board for Stafford's financial support to the Legal Aid office.

<u>Planning and Zoning; Consider a Conditional Use Permit at 1006 Warrenton Road</u> Mr. Milde motioned, seconded by Mr. Sterling, to defer this item indefinitely.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Report on Urban Development Areas by the Committee of 4000 Mr. Michael Neuhard, Deputy County Administrator, gave a presentation and answered Board members questions noting that staff members Kathy Baker, Jeff Harvey, and Mike Zuraf were instrumental in preparation of the report. He also introduced consultant, Ms. Dina Rhodeside, of Rhodeside and Harrell. Members of the Committee of 4000 include Board members, Paul Milde, Gary Snellings and Bob Woodson as well as Planning Commission members, Scott Hirons and Ken Mitchell.

Public workshops were held on January 25<sup>th</sup> and February 7<sup>th</sup> and a survey was available on the County's website from February 2<sup>nd</sup> through February 8<sup>th</sup>. Mr. Milde talked about including 600 units at Boswell's Corner, adding that he would prefer if it included a statement to the effect of "per endorsement of Marine Corps Base Quantico." Mr. Sterling said that you cannot certify if an area is contingent upon another's approval. County Attorney, Charles Shumate, stated that the contingency would have to be removed by July 1, 2011.

Mr. Woodson inquired about reestablishing Brooke as a UDA after the vote taken on December 14, 2010, on R10-377 where Brook Station and Widewater were both removed from the list of proposed Urban Development Areas. Mr. Shumate responded that R10-377 did delete the two areas but included language enabling the Board to revisit any part of the Resolution. Mr. Woodson restated that it was his belief that the Resolution called for the deletion of Brooke Station and Widewater UDAs.

Mr. Crisp asked how the Board can consider putting Brooke back onto the list of UDAs proposed for the County. Mr. Shumate responded that R10-377 contained no exclusionary language which says that the Board could not go back and revisit the vote to include those areas previously deleted or removed.

Mr. Dudenhefer said that the intent of the resolution was to go where the Committee felt they needed to go. Mr. Shumate said that he reviewed a verbatim transcript of the December 14, 2010 meeting discussion on the removal of Brooke and Widewater. Mr. Crisp said that many of people were not privy to the discussion and that there is confusion about the ground rules.

Mr. Milde pointed out that R10-377 was passed by a vote of 7 - 0. Mr. Woodson said that his interpretation, based on the discussion of the Resolution at the time, is different from what he was hearing now. Mr. Shumate reiterated that a legislative body may decide to revisit a former decision.

During a discussion of the Southern Gateway East proposed UDA, Mr. Dudenhefer said that movement of the Urban Services Area (USA) line was not in the scope of the Committee's assignment or task. Mr. Sterling said that the new UDA was not in the USA which would require extension and amendment of the Comprehensive Plan. Mr. Snellings asked when the Widewater USA was created. Mr. Dudenhefer replied that it was included in the new Comprehensive Plan.

Mr. Sterling asked Mr. Milde to clarify how the Committee of 4000 decided, after the Board's decision to remove two UDAs, that it was beneficial for the County to go from eight to six then back to nine UDAs. Mr. Sterling expressed concern that if there were too many in the beginning, why the Committee increased the number of recommended UDAs. Mr. Milde responded that while there was no public support for restoring the Widewater UDA (even though he personally was in favor of it), there was strong support for the Brooke UDA.

Deputy County Administrator, Mr. Tim Baroody, addressed the Board and answered additional questions including a discussion about form-based codes at Boswell's Corner. Mr. Crisp stated that Quantico does not endorse increasing density in any area that borders the Base. Mr. Crisp also stated that adding back the Brooke UDA would permit a great deal of economic development and housing capacity for workers at the new facilities being built there.

Mr. Sterling said that he has grave concerns about including Boswell's Corner and that he cannot support it if Quantico was in opposition. He recognizes and understands the Southern Gateway East but cannot support it otherwise. Mr. Snellings added that the area around I-95 needs revitalization and that he, too, has concerns about Boswell's Corner. The County spent about \$200,000 developing the RDA but it is not moving forward and even though jobs are being created there, it seems as though people are moving south. Mr. Snellings would like to meet with representatives from Quantico to further discuss this issue. Mr. Dudenhefer talked about the looming UDA deadline adding that the Marine Corps stated its position and that it will not change.

In response to Mr. Sterling's question, Mr. Baroody replied that the Southern Gateway UDA leans to the east but is on both sides of Route 17. Ms. Stimpson asked about VDOT's analysis of Route 17. Mr. Sterling replied that they have concerns including density in and around Route 17 and Route 1. Ms. Stimpson asked if VDOT has any other concerns and Mr. Harvey replied that their concerns are basically what Mr. Sterling stated. Mr. Crisp said that proximity to an interstate highway attracts development and placing a UDA in that part of the County makes good sense.

Mr. Snellings motioned to adopt proposed Resolution R11-78. The motion failed due to a lack of a second.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-78 with the following changes: Reduce the Southern Gateway East UDA; Eliminate Boswell's Corner, and divide those units between the Centreport and George Washington proposed UDAs.

Mr. Crisp made a substitute motion, seconded by Mr. Woodson, to adopt proposed Resolution R11-78 with the following change: Remove the Brooke UDA and add those units to the Courthouse area. All other areas will remain the same.

The Voting Board tally to accept the substitute motion was:

Yea: (2) Crisp, Woodson

Nay: (5) Dudenhefer, Milde, Snellings, Stimpson, Sterling

Recess At 4:26 p.m., the Chairman declared a recess.

Call to Order At 4:45 p.m., the Chairman called the meeting back to order.

<u>Overview</u> Ms. Stimpson presented a Power Point slide presentation of a tour of technology centers visited by representatives from the University of Mary Washington, George Mason University, Germanna Community College, and ManTech (formerly MTCSC). Mr. George Hinkley, representing ManTech, was present at the meeting. The sites visited were Innovation in Prince William County, the University of Virginia Research Park, Virginia Bio-Technology Research Park, and the Jefferson Center of Research and Technology. Mr. Crisp and Mr. Milde spoke about the Technology Centers that they visited.

Following the presentation, Ms. Stimpson said that she would like for the Board to schedule a special meeting for the purpose of defining goals and objectives in Stafford related to the creation of the County's own Science and Technology Center. Mr. Baroody said that staff will need clear direction as to the next steps and the Board's vision. Mr. Dudenhefer questioned the need for a special meeting, suggesting that it could be added as an item for discussion on the regular agenda. Ms. Stimpson responded that the Board needs time to brainstorm and to be intentional as to where they want to go and what the next steps are to be taken. Mr. Woodson added that it took a long time for Prince William County to open their Center. Mr. Sterling said that he liked the idea of a special meeting. Mr. Dudenhefer asked the Community and ED Committee to work up an agenda and to schedule the meeting.

<u>Ten Point Plan Update – Small Business Assistance</u> Mr. Crisp talked about Item Seven on the Ten Point Plan, Small Business Assistance. He stated that there are only two points remaining to be reviewed on the Ten Point Plan. He then summarized the report on small business assistance included in the Board's agenda binders. The report outlines various ways to support and enhance small businesses in Stafford. There is a CD-ROM available entitled "How to Start a Small Business", which is helpful and offers supportive information to potential small business prospects.

Report on Urban Development Areas by the Committee of 4000 (continued) Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-78, removing the paragraphs referring to Widewater and adding a "Resolved" clause referencing the Marshall Bill. Before the vote, Mr. Dudenhefer stated that he felt that re-studying Widewater would not be good use of staff time and suggested a friendly amendment to remove that "Resolved" clause. The friendly amendment was accepted by Mr. Milde and Mr. Sterling. In discussing the "Marshall Bill" (HB1721), Mr. Dudenhefer said that if the Marshall Bill passes the Senate, UDAs will become optional. Ms. Stimpson said that it was killed in the Senate Finance Committee.

The Voting Board tally on the motion, including the friendly amendment, was:

Yea: (5) Milde, Sterling, Dudenhefer, Stimpson, Woodson

Nay: (2) Crisp, Snellings

#### Resolution R11-78 reads as follows:

A RESOLUTION TO REFER COMPREHENSIVE PLAN AMENDMENTS TO THE PLANNING COMMISSION REGARDING URBAN DEVELOPMENT AREAS

WHEREAS, on December 14, 2010, the Board adopted the Stafford County Comprehensive Plan, dated November 17, 2010, as amended by Resolution R10-377; and

WHEREAS, the Plan was adopted with six (6) of eight (8) Urban Development Areas (UDAs) recommended by the Planning Commission; and

WHEREAS, two (2) recommended UDAs, containing 4,000 dwelling units, were not adopted as part of the Plan; and

WHEREAS, the Board established a Joint Committee of the Board and the Planning Commission, comprised of three members of the Board and two members of the

Planning Commission, to develop and recommend amendments to the Plan regarding how the 4,000 dwelling units would be distributed; and

WHEREAS, the Joint Committee was required to make a recommendation to the Board and the Planning Commission no later than February 15, 2011; and

WHEREAS, the Joint Committee met and has made a recommendation regarding the allocation of the 4,000 dwelling units;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that the Planning Commission be and it hereby is requested to consider amending the Comprehensive Plan, adopted on December 14, 2010, as amended, to include the allocation of dwelling units in the following UDAs as indicated:

- 1) add 250 units to the existing Leeland Station UDA;
- 2) establish a new UDA around Brooke Station and allocate 750 1,000 units to this UDA;
- 3) add 600 850 units to the existing Courthouse UDA;
- 4) add 250 units to the existing Centerport UDA;
- 5) add 700 units to the existing Southern Gateway UDA;
- 6) add 1200 units between the existing George Washington Village and Centerport UDAs; and

BE IT FURTHER RESOLVED that in the new Brooke Station UDA text, clarify that all of the residential development associated with that UDA shall be tied to the retiring of development rights on land bounded by the CSX rail line, Aquia Creek and Potomac Creek; and

BE IT FURTHER RESOLVED that the numbers of units presented within the range proposed for the Brooke Station and Courthouse UDAs be determined, not to exceed a total of 1,600 units between both UDAs; and

BE IT FURTHER RESOLVED that if HB 1721 be passed and signed into law, that the Planning Commission look at reducing or eliminating the current Comprehensive Plan UDA components; and

BE IT STILL FURTHER RESOLVED that the Planning Commission be and it hereby is directed to conduct a public hearing on the proposed Plan amendments for the purpose of making its recommendation to the Board on or before April 1, 2011.

Following the vote, Ms. Deanna Rhodeside of Rhodeside and Harwell, gave a brief presentation on UDAs and potential amendments to the Comprehensive Plan. Mr. Sterling said that the list of invitees to the public workshops was of great concern, adding that there were groups on the list that he never heard of and groups not included on the

list that should have been. He was never asked to submit a list of names or groups. Mr. Jeff Harvey said that staff developed the list based on speakers at previous public hearings. Staff will resubmit the list to the Board asking for feedback and additional names on the list for future workshops. Mr. Crisp asked Ms. Rhodeside about the use of form-based codes to which Ms. Rhodeside replied that if the use of form-based codes is appropriate, they will be included in a future amendment.

<u>Finance and Budget; Utilities Capital Improvement Plan</u> Mr. Harry Critzer, Director of Utilities, gave a presentation and introduced Ms. Deidre Jett, the newly hired Financial Analyst for the Utilities Department. Following Mr. Critzer's presentation, the Board requested that staff wait for both the Schools and General Fund Capital Improvement Plans to advertise for a single public hearing. Mr. Dudenhefer thanked Mr. Critzer for doing a great job.

Recess At 5:39 p.m., the Chairman declared a recess until 7:00 p.m.

Call to Order At 7:00 p.m., the Chairman called the meeting back to order.

<u>Invocation</u> Mr. Snellings gave the Invocation.

<u>Pledge of Allegiance</u> Mr. Woodson led the Pledge of Allegiance to the Flag of the United States of America.

## <u>Legislative</u>; <u>Presentations by the Public</u>

The following persons desired to speak:

Paul Waldowski - Census/Redistricting/Jobs

Lenetta Schools - Union Church

Sarah Chase - Schools/Replacement of Stafford HS

Art Harf - Lack of marked historic sites for visitors

Joe Godsey - Stafford HS replacement

Kathy Rivers - Mountain View Road project

Public Works; Amend and Reordain Stafford County Code, Section 15-56 Entitled "Designation of Restricted Parking Areas" in the Colonies of Park Ridge Subdivision Mr.

Keith Dayton, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O11-08.

The Voting Board tally was:

Yea: (7) Dudenhefer, Sterling, Crisp, Milde, Snellings, Stimpson, Woodson

Nay: (0)

#### Ordinance O11-08 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE STREETS IN THE COLONIES OF PARK RIDGE SUBDIVISION

WHEREAS, Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, The Colonies of Park Ridge Homeowners Association has approved a resolution dated October 28, 2010, requesting the establishment of a restricted parking area within The Colonies of Park Ridge Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with Section 15.2-1427 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendations of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that Stafford County Code, Section 15-56, entitled "Designation of Restricted Parking Areas," be and it hereby is amended and reordained as follows, all other portions remain unchanged:

- (f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:
  - (8) The Colonies of Park Ridge Subdivision on the following named streets:
    - (A) Appling Road
    - (B) Ashbrook Road
    - (C) Wendover Court
    - (D) Wexwood Court
    - (E) Wren Way Court

<u>Public Works; Consider the Abandonment of a Right-of-Way Adjacent to Deacon Road</u>

Mr. Keith Dayton, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R11-49.

The Voting Board tally was:

Yea: (7) Stimpson, Crisp, Milde, Dudenhefer, Sterling, Snellings, Woodson

Nay: (0)

#### Resolution R11-49 reads as follows:

A RESOLUTION PETITIONING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ABANDON RIGHT-OF-WAY ADJACENT TO DEACON ROAD (SR-607)

WHEREAS, Section 15.2-2272 of the Code of Virginia (1950), as amended, requires a public hearing for the vacation and abandonment of a public right-of-way; and

WHEREAS, the Virginia Department of Transportation (VDOT) has determined that a section of right-of-way adjacent to Deacon Road is no longer necessary due to adjustments to the alignment of Deacon Road near the intersection with Harrell Road; and

WHEREAS, an adjacent property owner has expressed an interest in acquiring this surplus property; and

WHEREAS, the Board wishes that the adjacent residents retain unrestricted access to adjacent public roads; and

WHEREAS, the new road alignment serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

WHEREAS, neither VDOT or County staff have identified a use for this right-of-way; and

WHEREAS, the Board has carefully considered the recommendations of VDOT, staff, and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that VDOT be and it hereby is requested to abandon this segment of the Secondary System of State Highways those portions of road identified herein, pursuant to Section 33.1-155, of the Code of Virginia (1950), as amended:

## Type Change to the Secondary System of State Highways: Abandonment

The following facility of the Secondary System of State Highways is hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: VDOT Project
Pursuant to Code of Virginia Statute: Section 33.1-155

#### Street Name and/or State Route Number

Deacon Road (SR-607) (Old Location)

From: Woodlawn Drive (SR-1027) 0.04 mi. west of Deacon Road (SR-607)

To: Deacon Road (SR-607) (New Location) 0.047 mi. south of Ficklen Road

(SR-1016) a distance of: 0.09 mi.

Recordation Reference: VDOT Plans; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the VDOT Acting Director of Transportation and Land Use; and

BE IT STILL FURTHER RESOLVED that the final disposition of this property be such that all adjacent properties are provided with unrestricted access to a public road.

<u>Legislative</u>: <u>Additions/Deletions to the Regular Agenda</u> Mr. Snellings motioned, seconded by Mr. Crisp, to adopt the agenda with the following additions: Item 28. Fire and Rescue; Accept a SAFER Grant from the Department of Homeland Security. Mr. Romanello reminded the Board that Consent Agenda Items 15 and 16 were included in the addon folder with revisions to their respective resolutions.

<u>Legislative</u>; <u>Consent Agenda</u> Mr. Snellings motioned, seconded by Ms. Stimpson, to adopt the Consent Agenda consisting of Items 10 thru 21, omitting Item 21. Mr. Sterling abstained from voting on Item 15.

The Voting Board tally was:

Yea: (7) Snellings, Stimpson, Crisp, Dudenhefer, Milde, Sterling, Woodson

Nay: (0)

Item 10. Legislative; Approve Minutes of the February 1, 2011 Board Meeting

Item 11. Finance and Budget; Approve Expenditure Listings

Resolution R11-63 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED FEBRUARY 1, 2011 THROUGH FEBRUARY 14, 2011

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February 2011 that the above-mentioned EL be and hereby is approved.

<u>Item 12.</u> <u>Public Works; Request Reimbursement from PRTC for Transportation</u> <u>Expenses for the 2<sup>nd</sup> Quarter of FY2011</u>

Resolution R11-40 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES FOR THE SECOND QUARTER OF FISCAL YEAR 2011

WHEREAS, the County budgeted funds in the FY2011 Transportation Fund for various programs, including transportation, street signs, and social services client transportation; and

WHEREAS, the County expended \$135,846 for qualifying transportation related expenses for the second quarter of FY2011; and

WHEREAS, these funds can be reimbursed from the County Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February 2011, that the Potomac and Rappahannock Transportation Commission be and it herby is requested to reimburse the County One Hundred Thirty-five Thousand Eight Hundred Forty-six Dollars (\$135,846) from the County Motor Fuels Tax Fund.

Item 13. Public Works; Petition VDOT to Include Prescott Lane within Turney Estates

Subdivision; and Cranston Lane and Kincaid Lane within Woodland Woods into the

Secondary System of State Highways

#### Resolution R11-42 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE PRESCOTT LANE WITHIN WOODLAND WOODS SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Prescott Lane within Woodland Woods Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February 2011 that VDOT be and it hereby is petitioned to include the following street within Woodland Woods Subdivision into the Secondary System of State Highways:

<u>Street Name/Route Number</u> <u>Station</u> <u>Length</u>
Prescott Lane (SR-2111) From: Int. Woodland Terrace (SR-1084) 0.15 mi

To: Prescott Lane (SR-2111) Cul-de-sac ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Woodland Woods recorded in PM060000125 with Instrument Number 060019379 on June 13, 2006; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Transportation & Land Use Director at the VDOT Fredericksburg District Office.

#### Resolution R11-43 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CRANSTON LANE AND KINCAID LANE WITHIN TURNEY ESTATES SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Cranston Lane and Kincaid Lane within Turney Estates Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February 2011 that VDOT be and it hereby is petitioned to include the following streets within Turney Estates Subdivision into the Secondary System of State Highways:

Street Name/Route Number	<u>Station</u>	<u>Length</u>
Cranston Lane (SR-2240)	From: Int. Poplar Road (SR-616)	0.34 mi
	To: Cranston Lane (SR-2240) Cul-de-sac	ROW 54'
Kincaid Lane (SR-2241)	From: Int. Poplar Road (SR-616) To: Kincaid Lane (SR-2241) Cul-de-sac	0.28 mi ROW 54'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Turney Estates recorded in PM050000193 with Instrument Number 050033347 on August 24, 2005; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Transportation & Land Use Director at the VDOT Fredericksburg District Office.

# <u>Item 14. Public Works; Award a Contract for the Completion of Masters Mill</u> <u>Subdivision Improvements</u>

#### Resolution R11-64 reads as follows:

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO COMPLETE THE STREETS IN THE MASTERS MILL SUBDIVISION

WHEREAS, the developer of Masters Mill Subdivision defaulted on its obligations leaving the public streets uncompleted; and

WHEREAS, the Board desires to have these streets completed and accepted into the Secondary System of State Highways; and

WHEREAS, the County solicited public bids to complete this work to allow acceptance into the Secondary System of State Highways; and

WHEREAS, six bids were received from interested firms with staff determining that Arthur Construction Company was the lowest responsive bidder with a bid of \$152,358; and

WHEREAS, the County has collected sufficient defaulted security funds from the developer's surety to complete these improvements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Arthur Construction Company in an amount not to exceed One Hundred Fifty-two Thousand Three Hundred Fifty-eight Dollars (\$152,358) for completion of the streets in the Masters Mill Subdivision.

Item 15. Public Works; Consider Approval of Congestion Mitigation Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) Project Funding Requests for FY2012

#### Resolution R11-70 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2012 CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM PROJECT

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program funds; and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) recommends projects to the Commonwealth Transportation Board for funding in this region; and

WHEREAS, approximately \$3,683,160 in CMAQ funding is to be distributed to qualifying projects in the Fredericksburg District in FY2012; and

WHEREAS, approximately \$288,094 in previously allocated CMAQ Program funds provided to FAMPO are designated as surplus funds from a completed project and will be reallocated to other projects; and

WHEREAS, the Garrisonville Road (SR-610) and Onville Road (SR-641) intersection improvement project is eligible to receive CMAQ funding; and

WHEREAS, the project schedule will allow for the right-of-way acquisition phase of the project to meet obligation deadlines for these funds; and

WHEREAS, the right-of-way acquisition phase of this project is estimated to require \$6,213,000 in funding to complete;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that the Board be and it hereby does indicate its desire to receive Three Million Six Hundred Eighty-three Thousand One Hundred Sixty Dollars (\$3,683,160) in FY 2012 CMAQ Program funds for land acquisition for the improvements to the Garrisonville Road (SR-610) and Onville Road (SR-641) intersection, VDOT UPC 93225; and

BE IT FURTHER RESOLVED that the Board be and it hereby does indicate its desire to receive Two Hundred Eighty-eight Thousand Ninety-four Dollars (\$288,094) in reallocated CMAQ funds for the improvements to the Garrisonville Road (SR-610) and Onville Road (SR-641) intersection; and

BE IT STILL FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

#### Resolution R11-71 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2012 REGIONAL SURFACE TRANSPORTATION PROGRAM PROJECT

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Regional Surface Transportation Program (RSTP) funds; and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) recommends projects to the Commonwealth Transportation Board for funding in this region; and

WHEREAS, approximately \$1,173,805 in RSTP funding is to be distributed to qualifying projects in the Fredericksburg District in FY 2012; and

WHEREAS, the Garrisonville Road (S.R. 610) and Onville Road (S.R. 641) intersection improvement project is eligible to receive FY 2012 RSTP funding; and

WHEREAS, the project schedule will allow for the right of way acquisition phase of the project to meet obligation deadlines for these funds; and

WHEREAS, the right-of-way acquisition phase of the Garrisonville Road and Onville Road intersection project is estimated to require \$6,213,000 in funding to complete; and

WHEREAS, approximately \$1,750,964 in previously allocated RSTP funds provided to FAMPO will not be obligated in time to meet current requirements and must be reallocated to other projects; and

WHEREAS, the preliminary design phase of the Route 1 widening project from Telegraph Road north into Prince William County will require approximately \$2,500,000 to complete and currently has \$900,000 in combined federal and local funds dedicated for this phase; and

WHEREAS, the preliminary design phase will be underway in time to meet the stipulated July 1, 2011 obligation deadline;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that the Board be and it hereby does indicate its desire to receive One Million One Hundred Seventy-three Thousand Eight Hundred Five Dollars (\$1,173,805) in FY 2012 RSTP funds for land acquisition for the improvements to the Garrisonville Road (SR-610) and Onville Road (SR-641) intersection, VDOT UPC 93225; and

BE IT FURTHER RESOLVED that the Board be and it hereby does indicate its desire to receive One Million Seven Hundred Fifty Thousand Nine Hundred Sixty-four Dollars (\$1,750,964) in reallocated RSTP funds for the Route 1 widening project north of Telegraph Road; and

BE IT STILL FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Item 16. Finance and Budget; Budget and Appropriate Proffer Fund Proceeds

#### Resolution R11-65 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER FUND PROCEEDS

WHEREAS, the School Board has requested that the Board budget and appropriate proffer funds for School Construction Projects; and

WHEREAS, School proffers totaling \$112,831 are available for School capital projects; and

WHEREAS, proffers totaling \$10,680 are available for the General Fund which can be used to offset the County's costs related to the replacement of the HVAC system in the Administration complex, and proffers totaling \$50,000 are available for Parks & Recreation which can be used to offset the costs of master planning for Musselman Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of February, 2011, that the County Administrator be and he hereby is authorized to budget and appropriate proffer funds as follows:

#### GENERAL FUND

Capital Projects	\$ 10,680
Transfer to Capital Project Fund	50,000
Transfer to the School Construction Fund	112,831
CAPITAL PROJECTS FUND	\$ 50,000
SCHOOL CONSTRUCTION FUND	\$ 112,831

Item 17. Utilities; Authorize a Contract Amendment for Purchase of Chemicals for County Water Treatment Facilities

#### Resolution R11-61 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT TO EXTEND THE CONTRACT FOR THE PURCHASE OF WATER TREATMENT CHEMICALS FOR USE AT COUNTY WATER TREATMENT FACILITIES

WHEREAS, the Board has appropriated funds to be expended in FY2011 for the purchase of water treatment chemicals for use at the Abel Lake and Smith Lake water treatment facilities; and

WHEREAS, the Board awarded the current contract for these chemicals to Univar, USA in 2010; and

WHEREAS, the current contract with Univar, USA contains a provision for four (4) additional one-year contract renewals; and

WHEREAS, staff has reviewed the renewal prices offered by Univar, USA and has found them to be reasonable; and

WHEREAS, purchases made in FY2012 shall be subject to appropriation of funds in FY2012 for these purchases;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of February 2011, that the County Administrator be and he hereby is authorized to execute a contract amendment with Univar, USA to extend the current contract for these water chemicals for an additional one-year period with an estimated total expenditure of Four Hundred Thirty-one Thousand Eight Hundred Thirty-six Dollars (\$431,836).

<u>Item 18. Approve Appointment to the ADA Grievance Committee</u>

Item 19. Legislative; Consider Endorsement of Federal FY2012 Priorities

#### Resolution R11-51 reads as follows:

A RESOLUTION TO ENDORSE STAFFORD COUNTY'S REQUEST FOR FEDERAL SUPPORT OF COUNTY PRIORITIES

WHEREAS, the Chairman and Vice-Chairman of the Board will travel to Washington, D.C., as the official representatives for Stafford County, to meet with U.S. Senator Webb, U.S. Senator Warner and U.S. Congressman Wittman; and

WHEREAS, the purpose of this annual legislative trip to Capitol Hill will be to discuss federal support for County priorities; and

WHEREAS, specifically, the priorities include federal support for transportation matters related to growth at Marine Corps Base Quantico, to include Route 1 widening and intersection improvements at Telegraph Road and Route 1 and on Onville Road at Garrisonville Road;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of February 2011, that it be and hereby does endorse efforts to seek federal support for the aforementioned priorities; and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the members of Stafford's congressional delegation so that they may be apprised of the sense of the Board on this matter.

Item 20. Economic Development; Approve Memorandum of Agreement and Scope for Quantico/Route 1 Widening Project from Telegraph Road to the Prince William County Line

Resolution R11-45 reads as follows:

A RESOLUTION TO APPROVE THE MEMORANDUM OF AGREEMENT, INCLUDING PROJECT SCOPE, BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, OFFICE OF EASTERN FEDERAL LANDS HIGHWAY DIVISION, STAFFORD COUNTY, AND PRINCE WILLIAM COUNTY

WHEREAS, the 2005 Base Realignment and Closure (BRAC) Law, Action #131 directs five investigative agencies to relocate to Marine Corps Base Quantico no later than September 15, 2011; and

WHEREAS, in 2006, the Prince William and Stafford County Boards of Supervisors formed the Quantico Growth Management Committee (QGMC) to assess and identify issues and opportunities related to the BRAC Law, Action #131; and

WHEREAS, in October 2009, the QGMC adopted a transportation priority project that included U.S. Route 1 from the intersection with Joplin Road/Fuller Road proceeding southward to Telegraph Road (State Route 634), including intersection/interchange improvements at the intersections of U.S. Route 1 with Joplin Road (State Route 619), Russell Road, and Telegraph Road; and

WHEREAS, this priority project is located in both Prince William County and Stafford County; and

WHEREAS, in August 2010, the Department of Defense, Office of Economic Adjustment (OEA) awarded the QGMC a grant in the amount of \$800,000 to partially fund planning and design of this priority project; and

WHEREAS, Stafford County will serve as the fiscal agent for QGMC and all parties will abide by the OEA Grant Agreement; and

WHEREAS, Prince William and Stafford County each agreed to provide \$45,000 in matching funds for this priority project by way of R10-293; and

WHEREAS, the Transportation Staff Subcommittee of QGMC, responsible for overseeing this project, recommends that Eastern Federal Lands Highway (EFLH), a division of the Federal Highway Administration (FHWA), act on behalf of the QGMC, Prince William County and Stafford County to obtain completion of this phase of planning and design; and

WHEREAS, the attached Memorandum of Agreement (MOA) and description of the project scope will serve as the contract of terms between the FHWA, Stafford County, and Prince William County; and

WHEREAS, the MOA is intended to define the terms by which EFLH shall carry out the planning and preliminary engineering needed to develop alternatives for transportation improvements related to U.S. Route 1 from the southern intersection of U.S. Route 1 and Telegraph Road (State Route 634) to the intersection of U.S. Route 1 and Joplin Road/Fuller Road (State Route 619); and

WHEREAS, the QMGC formally approved this MOA and Project Scope at its meeting on January 31, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on the 15th day of February, 2011, that the Board be and it hereby does approve the Memorandum of Agreement and its associated Project Scope.

<u>Planning and Zoning</u>; Refer and Amendment to the Planning Commission Regarding Section 28-39 of the Zoning Ordinance to Amend the Planned-Traditional Neighborhood Design (P-TND)

Mr. Woodson asked that Item 21 be pulled stating that it is alarming that an attorney known to represent developers wants to build on steep slopes and sites closer than 35' from streams. He added that the original text was put into place to protect streams and sensitive areas. Mr. Dudenhefer said that this item is only intended to send the Resolution to the Planning Commission. No decision was to be made on Planned-Traditional Neighborhood Design at this meeting.

Mr. Milde motioned, seconded by Ms. Stimpson to adopt proposed Resolution R11-03 with changes.

#### The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Sterling, Snellings, Woodson

Nay: (0)

#### Resolution R11-03 reads as follows:

A RESOLUTION TO REFER A COUNTY CODE AMENDMENT TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION SECTION 28-39(q)(4)a., "T1 NATURAL ZONE," OF THE ZONING ORDINANCE

WHEREAS, H. Clark Leming, applicant for the Clift Farm Quarter reclassification, requested a text amendment to a portion of the Planning-Traditional Neighborhood Development (P-TND) zoning district standards that would apply to the proposed development; and

WHEREAS, the Board desires to review and potentially amend Stafford County Code, Section 28-39(q)(4)a., entitled "T1, natural zone," of the zoning ordinance to promote the higher development densities provided for in the P-TND zoning district and Urban Development Area Standards; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices may require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that the Planning Commission be and it hereby is requested to consider amending Stafford County Code, Section 28-39(q)(4)a., entitled "T1, Natural Zone," by proposed Ordinance O11-01; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

<u>Planning and Zoning; Consider a Conditional Use Permit for a Telecommunications</u>
<u>Facility Located at 39 Synan Road</u> Ms. Stimpson motioned, seconded by Mr. Milde to adopt proposed Resolution R11-27.

## The Voting Board tally was:

Yea: (7) Stimpson, Milde, Crisp, Dudenhefer, Sterling, Snellings, Woodson

Nay: (0)

#### Resolution R11-27 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1000243 TO ALLOW A 150-FOOT TALL MONOPOLE TELECOMMUNICATIONS FACILITY IN AN M-2, HEAVY INDUSTRIAL ZONING DISTRICT LOCATED ON ASSESSOR'S PARCEL 54-26B, FALMOUTH ELECTION DISTRICT

WHEREAS, T-Mobile Northeast LLC, applicant, has submitted application CUP1000243 requesting a Conditional Use Permit to allow a 150-foot tall monopole telecommunications facility in an M-2, Heavy Industrial Zoning District on Assessor's Parcel 54-26B; and

WHEREAS, the application has also been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1, of the Zoning Ordinance, which permits a Conditional Use Permit for a telecommunications facility in the M-2, Heavy Industrial Zoning District; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, and staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit; and

WHEREAS, the Board finds that the request serves the public health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of February, 2011, that a Conditional Use Permit pursuant to application CUP1000243 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is to allow a telecommunications facility in an M-2, Heavy Industrial Zoning District located on Assessor's Parcel 54-26B.
- 2. There shall be one (1) tower permitted on the property. The tower shall be a monopole type construction. The maximum height of the tower shall be one hundred fifty (150) feet. Any lightning rod or other antenna, excluding panel antennas, cannot exceed one hundred fifty-five (155) feet.
- 3. The location of the telecommunications facility on the site shall be in conformance with the Generalized Development Plan (GDP) entitled "7FBU098A Synan Road Investors LLC," last revised on October 22, 2010.
- 4. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
- 5. There shall be no signs on the telecommunications tower other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.
- 6. Low impact design methods shall be incorporated into the design of the tower as shown on the plan, including:
  - a) All cables from the tower to the equipment shelters shall be located below the top rail of the opaque screening fence.
  - b) At any height above the screening fence, RF transmission cables associated with the tower shall be located within the tower itself. Notwithstanding the forgoing, such transmission cables may exit the tower at the appropriate cable ports for connection to the respective antennas located at each cable port location.
  - c) If any antenna mounting platform(s) is utilized on the tower, all such platforms shall be a low profile design.
- 7. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within twelve (12) months of cessation of use of the tower, the equipment and the tower shall be removed by the tower owner. Prior to building permit approval, the tower owner shall enter into a performance agreement with Stafford County for removal of the facility.
- 8. Prior to building permit approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a Letter of Credit or other security acceptable

- to Stafford County for one hundred ten (110) percent of the cost of removal of the tower and facility.
- 9. The tower shall be designed to accommodate at least three (3) carriers.
- 10. The compound shall be enclosed and screened with both an opaque fence and evergreen screening, per the standards set forth in Section 130 of the Design and Construction Standards for Landscaping, Buffering and Screening (DCSL).
- 11. Prior to issuance of a final zoning permit for the facility, the applicant shall provide to the County copies of a certified as-built survey for the tower. The asbuilt survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
- 12. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with Stafford County's Emergency 911 system or the Stafford Regional Airport. The applicant and any future lessees must provide an intermodulation study showing that the proposed telecommunications equipment will not interfere with Stafford County's Emergency 911 system or the Stafford Regional Airport prior to obtaining a building and/or zoning permit.
- 13. In the event that a County department, County agency, the Stafford County Sheriff's Office and/or Virginia Railroad Express (VRE) desires to locate its telecommunications equipment on the facility, the applicant shall provide adequate space on the tower and on the ground lease area for a period of thirty (30) years at no cost to the County and/or VRE. The parties shall mutually agree to the location of the antenna and equipment.
- 14. If building permits are not obtained within five (5) years from the date of approval, this Conditional Use Permit shall expire.
- 15. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

<u>Union Church Discussion</u> Following Mr. Crisp's discussion of the property and the need for emergency stabilization of Union Church, the Board agreed to defer this item to the March 1<sup>st</sup> meeting to allow the County Attorney time to put the request for funds into a resolution.

<u>Legislative Update</u> David Gayle, Assistant Director of Legislative Affairs, provided an update on the actions taken by the General Assembly. Additional updates and answers to Board member's questions will be provided in writing by Mr. Gayle. Mr. Milde specifically asked for an update on SB344, the boat tax.

<u>Elimination of Urban Development Areas (UDAs)</u> It was agreed by the Board that this item was included in the earlier discussion on Urban Development Areas.

<u>Legislative</u>; <u>Discuss 2011 Bylaws and Rules of Procedure</u> Mr. Sterling motioned, seconded by Ms. Stimpson to adopt proposed Resolution R11-73.

Mr. Woodson asked for clarification on Page 3 which no longer included a report by the Superintendent of Schools. After discussion, it was agreed that Mr. Romanello would invite Dr. Bridges to attend the March 1<sup>st</sup> meeting and provide a Schools update to the Board.

#### The Voting Board tally was:

Yea: (6) Sterling, Stimpson, Crisp, Dudenhefer, Snellings, Woodson

Nay: (0)

Absent: (1) Milde

#### Resolution R11-73 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY BOARD OF SUPERVISORS' BYLAWS AND RULES OF PROCEDURE

WHEREAS the Board, though made up of seven individuals representing their respective electoral districts, functions as a single legislative and policy-making body vested with the rights and powers conferred by general law; and

WHEREAS; in order for the Board to accomplish its goals and duties as the legislative and policy-determining body of the County, it must operate in an agreed manner of procedure and agreed manner of conduct reflective of the importance and solemnity of the office; and

WHEREAS, the Board, at its 2011 annual meeting, adopted By-Laws and Rules of Procedure for the conduct of business, and

WHEREAS, the Board, at its January 18, 2011 meeting, in discussion, determined the need to have the County Attorney draft amendments to such By-laws and Rules of Procedure to more accurately reflect Roberts Rules of Order; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of February 2011 that the Board be and it hereby does amend and adopt the By-Laws dated February 15, 2011, attached hereto as Exhibit A.

## 2011

## **BY-LAWS AND RULES OF PROCEDURE**

## BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

Adopted: February 15, 2011

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## Section 1 -- Meetings

BY-LAWS AND RULES OF PROCEDURE STAFFORD COUNTY BOARD OF SUPERVISORS

#### **Section 1-1** Annual organizational meetings

- A. The first January meeting of each year shall be known as the annual meeting.
- B. The Chair shall be elected at the annual meeting for a term of one year. The Chair shall serve until a successor has been elected. The Chair may succeed him/herself in office
- C. Following the election, the Chair shall conduct the election of the Vice Chair.
- D. No member shall serve as Chair or Vice Chair for more than two consecutive years.
- E. Following the election of the Vice Chair, the Board of Supervisors ("Board") shall:
  - 1. Establish days, times, and places for its regular meetings;
  - 2. Adopt its By-Laws and Rules of Procedure ("By-Laws"); and
  - 3. Make appointments of individuals to County boards, authorities, commissions, and committees. Appointments shall be made by majority vote. Appointments to the various County boards, authorities, commissions, and committees may be made by a single vote or multiple votes, except as required by the Code of Virginia. Appointments may be made by motion, resolution, or ordinance, except as required by the Code of Virginia.

#### Section 1-2 When regular meetings held

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with § 15.2-1416 of the Code of Virginia (1950), as amended. The Chair may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date. No meeting shall last any later than midnight of the day of the meeting, unless a majority of the Board votes to extend the meeting.

#### **Section 1-3 Special Meetings**

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to § 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

#### Section 1-4 Ouorum and method of voting

A. A quorum shall consist of a majority of the members of the Board of Supervisors.

- B. At meetings of the Board, the presiding officer shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.
- C. All questions submitted to the Board for decision shall be voted on using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chair shall call for the vote and each member shall cast his/her vote via the electronic voting board. The Chair shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chair. Upon the display of the vote, the Chair shall announce the vote. If a Board member believes that the electronic voting board does not correctly reflect their vote or did not record their vote, the member shall advise the Chair immediately after the Chair announces the vote. If the electronic voting board is not available due to technical problems/malfunction, the Board shall vote using a roll call vote.
- D. It shall be the duty of every member to vote on issues before the Board of Supervisors. If a member must abstain, he/she shall state his/her reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chair to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Board.
- E. A tie vote fails; however, if all members are not present for the vote, the matter shall be passed by until the next regular meeting of the Board, when the matter shall be placed on the agenda as if for the first time, with full discussion and debate allowed by all members and with a new vote taken by all members present.

#### **Section 2 -- Officers**

#### **Section 2-1** Chair and Vice Chair

The Chair shall preside at all meetings of the Board of Supervisors. The Vice Chair serves in the absence of the Chair. If both the Chair and the Vice Chair are absent from any meeting, the senior member of the Board that is present shall preside as Temporary Chair. The Chair shall make all appointments to the Board of Supervisors' committees. Substitutes or alternates may participate only if so authorized by the Chair.

#### **Section 2-2 Preservation of order**

At meetings of the Board, the presiding officer shall preserve order and decorum.

#### Section 2-3 Chair may administer oaths

The Chair shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

#### Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board of Supervisors using the Rules for small bodies. The County Attorney, or his/her designee, shall act as

Parliamentarian to the Board. Any questions involving the interpretation or application of <u>Robert's Rules of Order</u> shall be addressed to the County Attorney or his/her designee. If the County Attorney, or his/her designee, is unavailable, the County Administrator shall serve as the Parliamentarian.

#### Section 2-5 Clerk

The Clerk of the Board shall be the County Administrator as set out in §§ 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

#### **Section 3 -- Conduct of Business**

#### Section 3-1 Order of business

A. At the Board's first meeting of the month, the order of business shall be generally as follows:

- 1. call to order (3:00 p.m.)
- 2. roll call of members
- 3. announcement of absences
- 4. presentations by the public-I
- 5. presentations and committee reports by members of the Board
- 6. report of the County Attorney
- 7. report of the County Administrator
- 8. consent agenda
- 9. unfinished business
- 10 new business
- 11. items added by Board members
- 12. closed meeting (if necessary)
- 13. recess
- 14. invocation (7:00 p.m.)
- 15. Pledge of Allegiance
- 16. presentations by the public-II
- 17. public hearings
- 18. media time
- 19. adjournment
- B. At the Board's second meeting of the month, the order of business shall be generally as follows:
  - 1. call to order (3:00 p.m.)
  - 2. roll call of members
  - 3. announcement of absences
  - 4. presentations and committee reports by members of the Board
  - 5. work session
  - 6. report from VDOT (quarterly)
  - 7. recess
  - 8. invocation (7:00 p.m.)
  - 9. Pledge of Allegiance
  - 10. presentations by the public
  - 11. public hearings
  - 12. consent agenda

- 13. closed meeting (if necessary)
- 14. media time
- 15. adjournment
- C. If the Board holds a third or subsequent meeting in a month, the order of business shall generally follow the order of business for the Board's second meeting of the month unless the Chair directs otherwise.
- D. The above order of business and times may be modified by the County Administrator should there not be an evening portion of the meeting, or for presentations by VDOT, the Sheriff, the School Superintendent or his/her designee, etc., and appointments which are occasional in nature.
- E. Presentations and committee reports by Board members are limited to three (3) minutes each. It shall be the responsibility of the Chair to enforce this rule.
  - F. Presentations by the public are governed by the following rules:
    - 1. Comments by the public shall be limited to three (3) minutes for all speakers.
    - 2. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening public presentation period.
    - 3. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card.
    - 4. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
    - 5. Citizens may not address issues during the Citizens' Comment period on matters that are scheduled for public hearing during the same meeting.
- G. No action shall be taken on any committee report unless it is time-sensitive. All action shall be scheduled for the next regular agenda.

#### Section 3-2 Consent agenda

- A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.
- B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda. Board members may ask questions to clarify a consent agenda item. At a Board member's request, an item shall be removed from the consent agenda and addressed as a discussion item after the Board disposes of the consent agenda.

- C. The warrant register and specific items that involve the expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.
- D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the names and necessary biographical information of the nominees, including profession/occupation and education, are made available to the Board as a part of its package prior to the meeting at which the appointment is to occur.
- E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments, and agencies may be placed on the consent agenda.
- F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board may be placed on the consent agenda.

#### Section 3-3 Motions

- A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws. After a motion is properly made and seconded, the Chair should restate the motion and open the floor to discussion.
- B. The Chair cannot make a motion unless such matter is specific to his district. The Chair may make a motion without relinquishing the chair.
- C. No member may speak a second time on a motion until every member desiring to speak has spoken.
- D. A Board member may participate in discussion of any issue only after the Chair recognizes that member. If two Board members desire to be recognized at the same time, the Chair shall determine which member will be recognized first.
- E. The Chair shall not recognize a motion to call-the-question until every member desiring to speak has had an opportunity to speak. The motion requires a second and is not debatable.
- F. After discussion is ended and prior to voting, the Chair should ensure, if necessary, that the motion is sufficiently clear, at which time the Chair shall call for the vote.

#### Section 3-4 Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chair on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Chair. No second is required on a member's appeal.

#### Section 3-5 Suspending rules

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

#### Section 4-1 Chair to conduct public hearings

The Chair shall conduct all public hearings.

#### **Section 4-2** Hearing presentations

Public hearings should begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiries during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

#### Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

- A. The Chair shall open the public hearing.
- B. The applicant, or the representative of the applicant, shall be the first speaker. There shall be a time limit of five (5) minutes for the applicant's, or the representative's, presentation, unless extended by the Chair. Any and all representations made by the applicant, or the representative, to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.
- C. The Chair shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of three (3) minutes for each speaker.
- D. After public comments have been received, the applicant, or the representative of the applicant, at the applicant's discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal by the applicant, or the representative of the applicant.
- E. Upon the conclusion of the applicant's, or the representative's, comments, the Chair shall close the public hearing.

#### **Section 4-4 Members' participation**

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

#### Section 4-5 Close of hearing

When a public hearing has been closed by the Chair, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the applicant, the representative of the cognizant board, authority, commission, or committee, and/or a staff member for clarification prior to taking any vote, if a vote is in order.

#### Section 4-6 Debate

Following the close of the public hearing, the Chair entertains a motion and a second to dispose of the issue and the Board may debate the merits of the issue. During

the Board's discussion and/or after a motion is made and seconded, Board members may ask questions of the applicant, the representative of the applicant, the representative of the cognizant board, authority, commission, or committee, and/or a County staff member.

#### Section 5 -- Agenda

#### **Section 5-1 Preparation**

- A. The Clerk shall prepare an agenda for each regular and special meeting conforming to the order of business specified in Section 3-1 entitled "Order of Business". The County Administrator shall coordinate the scheduling of items on the agenda with the Chair. The Chair shall schedule the topics for the work sessions on the second monthly meeting and special meetings as necessary.
- B. Each Board member may request that no more than two (2) total items to be included on any Board meeting agenda for discussion. If the Chair or County Administrator receives the request prior to the preparation of the proposed agenda as set forth in Section 5-1(A) of these Bylaws, the Chair may include the requested item on the agenda. If the request is not received in time to be included on the proposed agenda, the County Administrator may include a Board member request on the agenda, so long as no Board member has no more than a total of two (2) discussion items on the agenda and the request is received by the County Administrator by the close of business on Tuesday of the week prior to the scheduled Board meeting (generally seven (7) calendar days prior to the Board meeting). No vote is allowed on a discussion item at the meeting when the item is brought up to the Board. At the Board's direction, and after it has considered the item, the County Administrator shall place the item on the agenda for the first meeting of the month following the request for action.
- C. All items requested to be placed on the agenda, which have not been submitted within the prescribed deadline, shall be placed on the next regular agenda for consideration.
- D. Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual meeting of the Board for a term beginning on January 1st of the calendar year. All appointments shall be made between the annual meeting and the end of March each year. This restriction does not preclude appointments when vacancies occur or when new boards, authorities, commissions, and committees are created.
- E. Any matter not on the scheduled agenda may be heard provided that such a request is in the form of a motion, duly seconded and voted upon by a majority of the Board. Any such matter must be of an emergency nature, vital to the continued proper and lawful operation of the County.

#### **Section 5-2 Minutes**

The Clerk of the Board shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events

relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

#### Section 6 -- General Operating Policy

#### Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission, or committee of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances, or policies of Stafford County, or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his/her views, that he/she place on the same document the following, if appropriate:

This letter, memorandum or document represents only the views of the writer or writers and does not necessarily represent the views of any other individual member of the Board of Supervisors, or the Board of Supervisors as the governing body of Stafford County, Virginia.

B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.

#### Section 6-2 Legal action

Board members, the County Administrator, the County Attorney, and any other public official are required to advise the Board prior to filing any civil suit that involves the County. The Building Official, the Zoning Administrator, and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

#### Section 6-3 Discussion of zoning and land use matters

Board members shall not engage in discussions or negotiations with applicants on zoning or land use matters during the time that the application is before the Planning Commission and prior to referral to the Board of Supervisors, unless negotiations are facilitated by staff, prior to the Planning Commission's referral of the matter to the Board of Supervisors.

#### **Section 6-4 Polling Procedure**

The County Administrator or his designee may separately contact members of the Board for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in § 2.2-3701 of the Code of Virginia (1950), as amended.

#### **Section 6-5** Action on Certain Matters in Election Years

In any year in which members of the Board of Supervisors are elected in a general election, the Board shall not take any action or vote in November or December regarding any of the following types of matters: (1) rezoning applications; (2) Conditional Use Permit applications; (3) Comprehensive Plan amendments; (4) zoning text amendments; (5) any other land use issues; (6) borrowing money; (7) appointments to any boards, authorities, commissions, and/or committees; and/or (8) budget amendments except prior year re-appropriations after the County's financial statements are completed.

#### **Section 7 -- Amendments**

#### Section 7-1 Amendments to the By-Laws and Rules of Procedure

The By-Laws may be amended as necessary by majority vote of the Board

Accept a SAFER Grant from the Department of Homeland Security Following discussion by the Public Safety Committee earlier in the day, Mr. Snellings, Committee Chair, spoke with Fire Chief, Rob Brown and with Chief Financial Officer, Maria Perrotte. Mr. Snellings said that while this was a very difficult decision for him, he was going to ask the Board to support this Grant, also stating that the Committee voted 3-0 in support as well earlier in the afternoon. The SAFER Grant was created to provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number of trained "front-line" firefighters available in their communities. The goal of the SAFER Grant is to enhance the local fire departments' ability to comply with staffing, response, and operational standards established by NFPA and OSHA.

Mr. Milde voiced concern about the possible addition of a penny to the tax rate if this Grant was approved once the initial two-year period of federal financing was over and said that he could not support this. Ms. Stimpson noted that the Grant does not provide equipment that will be necessary if fourteen (14) new fire personnel are hired. Mr. Sterling talked about the addition of twelve (12) fire personnel two years ago.

Ms. Perrotte talked about possible funding sources in Year Three to adhere to one of the provisions of the SAFER Grant. Mr. Dudenhefer said that Public Safety is the Board's Number One priority. Mr. Snellings talked about the lack of volunteer firefighters and said that he does not sleep well at night knowing that someone could call 911 and there may not be an answer, or a timely response, to that call. Ms. Stimpson said that she agrees with Mr. Snellings but wanted to add that the Sheriff also has need for additional

deputies. Ms. Stimpson said that she admires how hard all of public safety personnel work, but added that she would not be supporting this item. Mr. Crisp said that he supports Chief Brown and admires the work done by his department. In spite of his reservations, Mr. Crisp said that he would vote in support.

Mr. Milde said that it is a tough call because the couple of million dollars for the first two years is an attractive offer. He also spoke on coverage in the Brooke area saying that it has some of the worst coverage in the County and that he hopes that the Brooke residents would not be held responsible for his "no" vote, but was not prepared to obligate the County to a penny on the tax rate in the out years to increase fire and rescue by 13% in the middle of one of the worst economies we've seen.

He supports public safety but with already asking for a 5% staff reduction in other departments of the County, in addition to the 1 cent tax increase that would be needed to finance the Year Three requirement of this Grant, he cannot support it.

Mr. Dudenhefer said, in his opinion, there was no time to defer the vote or to give the matter further consideration. If Stafford does not accept it, the federal government will give the funds to another locality. Mr. Sterling said that with a great deal of reservation, he will support the Grant. Mr. Dudenhefer said that it was grossly inappropriate to pit public safety against the Board's need to take the lead in cutting costs and staff and he will support the Grant.

Mr. Snellings said that he agrees with Mr. Sterling's comments about the obligation to find funding for Year Three while not raising taxes but rather, making cuts wherever possible.

Mr. Dudenhefer stated that the Chair would "entertain a motion on disposition of whether we accept the SAFER Grant or not." Mr. Woodson replied "So moved." The motion was seconded by Mr. Snellings.

The Voting Board tally on the motion was:

Yea: (5) Woodson, Snellings, Crisp, Dudenhefer, Sterling

Nay: (2) Milde, Stimpson	
Adjournment At 8:43 P. M. the Chairman	declared the meeting adjourned.
Anthony J. Romanello, ICMA-CM County Administrator	Mark Dudenhefer Chairman